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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,743	01/30/2004	Christian Bauer	713-1009	5720

33712 7590 12/13/2004

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EXAMINER

REESE, DAVID C

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,743

Applicant(s)

BAUER, CHRISTIAN

Examiner

David C. Reese

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

[1] Claims 1-5 are pending.

Specification

[2] The disclosure is objected to because of the following informalities:

The abstract is verbose, and claim terminology such as "wherein" should not be used.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

[3] The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

[4] Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoda US-4,077,300 in view of Mizuno et al. US-6,560,819.

Yoda teaches of a plastic screw grommet that encompasses that of Claim 1 except for below.

However, Yoda fails to disclose expressly a plastic screw grommet that possesses a particular embodiment of an incline adjacent to its shoulder.

Mizuno et al. teaches of a waterproof grommet encompassing such an embodiment of an incline adjacent to its shoulder, as well as a variety of other possible embodiments for this particular aspect of the incline.

At the time of invention, it would have been obvious to one of ordinary skill in the art to modify the plastic screw element taught by Yoda, to incorporate different incline embodiments as taught by Mizuno et al.; as Mizuno et al. states from line 23, part 3, "...include inclined surfaces 6 which are inclined outward and downward. The inclination is not specifically limitative but may be sufficient to enable permitting at least

Art Unit: 3677

portions of the inclined surfaces 6 to contact and press upward against the member 30 being mounted. In addition, contact positions between the inclined surfaces 6 and the member being mounted 30 are determined in accordance with a thickness of the member being mounted 30." Thus, this particular embodiment of the incline is useful for helping to further secure the bond between the grommet and the substrate from which it is being utilized with.

Continuing with Claim 1, Yoda discloses a plastic screw grommet adapted to be inserted into an opening of a sheet-like support member (Fig. 1 of Yoda), with the opening deviating from a circle (6 in Fig. 5 of Yoda), the grommet comprising a shank having an inner axial receiving bore for an element having an outer thread (7 in Fig. 4 of Yoda) and snapping means on the outer circumference which snappingly cooperate with an edge of the receiving opening (5 in Fig. 3 of Yoda), a flange-shaped head portion at one end of the shank having a passage connected to the receiving bore (6 in Fig. 5 of Yoda), the flange-shaped head being adapted to sealingly engage the facing surface of the support member if the shank is snappingly inserted into the receiving opening (Fig. 1), with the shank adjacent to the head on the outer circumference has an approximately radial shoulder at least on diametrically opposing sides (9 in Fig. 1 of Yoda), with the contour of the opening and the cross-section of the shank being designed **such that** (intended use) the shank may be rotated about a limited angle about its longitudinal axis in the opening whereby the shoulders grip below the edge of the receiving opening of the support member (Yoda in view of Mizuno, substituting an inclined upward surface, such as Fig. 7c of Mizuno, for the vertical incline found

Art Unit: 3677

adjacent to the shoulder 9 of Yoda), the edge of the opening clampingly cooperate with outer surface portions of the shank between the shoulder and the head, characterized in that the outer surface portions (34) are inclined towards the head portion (16) relative to the longitudinal axis **such that** (intended use) upon rotation the shank (12) is increasingly drawn into the opening (40, 42) (Yoda in view of Mizuno, substituting an inclined upward surface, such as Fig. 7c of Mizuno, for the vertical incline found adjacent to the shoulder 9 of Yoda).

As for Claim 2, Re: Claim 1, Yoda discloses a plastic screw grommet wherein the outer surface portions are flat (9 in Fig. 1 of Yoda).

As for Claim 3, Re: Claim 1, Yoda illustrates a plastic screw grommet wherein the opening and the shank in a cross-section adjacent to the head are approximately square (Fig. 5 of Yoda).

As for Claim 4, Re: Claim 1, Yoda makes known a plastic screw grommet wherein the shoulders have their origin in a corner of the shank and having its maximum width while decreasing in width with the extension towards the adjacent corner portion and run into the outer side of the shank (once again, Yoda in view of Mizuno, substituting an inclined upward surface, such as Fig. 7c of Mizuno, for the vertical incline found adjacent to the shoulder 9 of Yoda, one will note the width decreasing towards the outer side of the shank).

Lastly, as for Claim 5 Re: Claim 3, Yoda discloses a plastic screw grommet wherein in each corner portion a shoulder and an inclined surface portion are provided (9 in Fig. 1 of Yoda).

Conclusion

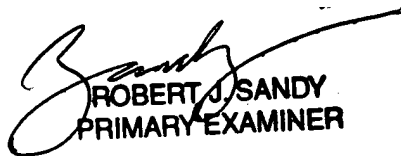
[5] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows: Ichimaru, U.S. Patent Publication, US 2002/0003993; Jonishi et al., U.S. Patent 5,269,640; Kazino et al., U.S. Patent 5,294,225; Wronke et al., U.S. Patent 3,701,373; Inoue, U.S. Patent 5,322,402; Nakama et al., U.S. Patent 4,704,059; Snyder, U.S. Patent 5,222,852; Everard, U.S. Patent 6,244,805; Mizuno et al., U.S. Patent 6,443,678; Kurihara, U.S. Patent 4,906,152; Kraus, U.S. Patent 5,448,809; Kanie et al., U.S. Patent Publication US 2003/0143054; Sato, U.S. Patent 4,927,306; Wollar, U.S. Patent 4,648,766; Schuplin, U.S. Patent 3,756,116; Kojima et al., U.S. Patent 4,293,260; Bennett, U.S. Patent 3,444,917.

[6] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is 703-305-4805. The examiner can normally be reached on 7:30 am - 5:00 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ROBERT J. SANDY
PRIMARY EXAMINER

Sincerely,
David Reese
Assistant Examiner
Art Unit 3677